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Report of the United Nations mission to New Caledonia, 2014

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I. Origin and mandate of the mission

Origin

1. On a number of occasions in 2013, including during the Caribbean regional seminar of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, held in Ecuador in May and during the annual sessions of the Special Committee and the Fourth Committee of the General Assembly, held in June and October, respectively, the President of the Congress of New Caledonia drew attention to problems encountered in reviewing the electoral roll for the provincial elections to be held in May 2014 (A/C.4/68/SR.5).

2. In December 2013, the Bureau of the Special Committee held informal meetings with the four administering Powers. At the meeting with France, the problems affecting the review of the electoral roll for the provincial elections in New Caledonia were discussed. France undertook to forward to the Bureau relevant technical documentation on the issue and stated that it would not oppose a United Nations visiting mission to the Territory.

3. In mid-January 2014, the Bureau held a teleconference with the President of the Congress of New Caledonia to discuss developments in the self-determination process of the Territory and, in particular, the question of the annual revision of the restricted electorate (see para. 15 below). The teleconference was followed by a meeting in New York.

4. The following week, the Chair of the Special Committee received a letter dated 22 January 2014 from the President of the Congress of New Caledonia addressed to the Prime Minister of France highlighting concerns about the electoral review process. The Chair received a second letter dated 22 January, also from the President of the Congress, in which those concerns were further elaborated and the dispatch of a United Nations visiting mission to assess the situation was requested. Subsequently, the Chair was informed about two letters, one dated 30 January from the Ministry for Overseas Territories of France and one dated 31 January from the Prime Minister of France, responding to the concerns raised by the President of the Congress. All the above-mentioned letters were circulated among the members of the Special Committee.

5. During an informal meeting held on 30 January 2014, representatives of the Front de libération kanak et socialiste (FLNKS) drew the Special Committee's attention to the fact that about 6,700 people born outside New Caledonia had been deemed eligible to vote, whereas 1,900 eligible Kanak people had not.

Mandate

6. On 20 February 2014, the Special Committee decided to send a visiting mission to New Caledonia with the objective of gathering first-hand information on the implementation of the Nouméa Accord (A/AC.109/2114, annex), in particular its paragraph 3.2.1, and General Assembly resolution 68/92, both of which state that the progress made in the emancipation process shall be brought to the attention of the United Nations. Also in line with its resolution 68/92, the Assembly invited all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination, in accordance with the Accord.

7. On 21 February 2014, the Deputy Permanent Representative of France to the United Nations reconfirmed his Government's agreement to receiving a Special Committee visiting mission to New Caledonia, consistent with the advice given to the Special Committee at its informal meeting on 7 February. It was further proposed that the mission take place from 9 to 16 March 2014, thus enabling the delegation to take stock of the preparations for the May provincial elections, especially with regard to the proceedings of the special administrative commissions (see para. 17 below). The delegation would also be able to conduct all the interviews deemed necessary, as well as engage in exchanges with French authorities in Paris.

8. By a communication addressed to the Permanent Representative of France to the United Nations on 27 February 2014, the Chair of the Special Committee recalled that the General Assembly, in its resolution 68/92, on the question of New Caledonia, had noted the concern expressed by members of the Committee participating in the 2013 Caribbean regional seminar regarding the problems encountered in the electoral review process. He noted that the request for a visiting mission of the Committee had been supported by the Permanent Representative of Papua New Guinea, speaking on behalf of the Melanesian Spearhead Group (Fiji, Solomon Islands and Vanuatu) before the Fourth Committee on 11 October 2013 (see A/C.4/68/SR.7).

9. The mission held meetings with many relevant actors in the three provinces (South, North and Loyalty Islands) and at the Ministry for Foreign Affairs and the Ministry for Overseas Territories in Paris. In total, the mission held 29 meetings and met over 140 interlocutors.

II. Composition of the mission

10. On 20 February 2014, the Special Committee decided that the visiting mission would be composed of representatives of Ecuador, Nicaragua, Papua New Guinea and Sierra Leone, as well as one electoral expert and three Secretariat staff. Nicaragua subsequently withdrew and was replaced by Fiji. The members of the mission were the following: the Deputy Permanent Representative of Sierra Leone to the United Nations and Chair of the mission, Amadu Koroma; the Permanent Representative of Papua New Guinea to the United Nations, Robert Aisi; the Counsellor of the Permanent Mission of Papua New Guinea to the United Nations, Fred Sarufa; the First Secretary of the Permanent Mission of Ecuador to the United Nations, José Eduardo Proaño; and the Director of the Treaty Section of the Ministry for Foreign Affairs of Fiji, Esala Nayasi. They were accompanied by three staff members of the United Nations Secretariat: the Chief of the Decolonization Unit, Department of Political Affairs, Laura Vaccari; the Secretary of the Special Committee, Department for General Assembly and Conference Management, Jullyette Ukabiala; and Political Affairs Officer in the Decolonization Unit, Department of Political Affairs, Hermes Peñaloza-Rodriguez. The selected electoral expert was not able to join the mission for technical reasons.

III. Acknowledgements

11. Mission members acknowledged the cooperation of the Permanent Representative of France to the United Nations, as well as his deputy, who engaged

with the Bureau and members of the Special Committee in planning the mission, ensuring that it would be held at the most favourable time, reiterating the firm commitment of France to the full implementation of the Nouméa Accord and cooperation with the Special Committee. The mission also acknowledged the High Commissioner and, through him, the Government of France for the invaluable help in setting up a programme on very short notice, including by providing logistical support. Members of the mission expressed their appreciation to all the interlocutors who, in New Caledonia and Paris, shared their views with them. They also acknowledged the gracious hospitality that was accorded to them during their visit to the Jean-Marie Tjibaou Cultural Centre to see an exhibition featuring more than 300 works and documents representing the Kanak artistic heritage.

IV. Background

12. The Nouméa Accord, which was signed on 5 May 1998 and ratified in a referendum on 8 November 1998, provides for a number of steps towards a negotiated consensual solution for the future of the Territory and, in the words of the State Secretary for Overseas Territories of France, for the renewal of relations between France and New Caledonia (see A/AC.109/1999/6). The Organic Law (No. 99-209), ratified by the French parliament on 19 March 1999, codified the powers that would be transferred to the newly created institutions in New Caledonia, rules concerning New Caledonian citizenship, the electoral regime and conditions and deadlines by which New Caledonians would determine their accession to full sovereignty (see A/AC.109/2005/13, para. 9).

13. New Caledonia has a 54-member territorial Congress. The Government represents the executive power and is headed by a president, who is elected by Congress and answerable to it. The Nouméa Accord stipulates that the Government, as a collegial body, must proportionally reflect party representation in Congress.

14. A parallel set of institutions was established to accommodate full political recognition of the Kanak identity. There are eight customary councils, one for each customary region. In addition, the Customary Senate, which has a rotating presidency, comprises 16 members, 2 for each customary council. The Customary Senate and councils are to be consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity. The Economic, Social and Environmental Council of New Caledonia advises the Government on projects and possible laws. Responsibility for New Caledonia lies with the French Minister for Overseas Territories. The administering Power is represented in the Territory by the High Commissioner.

15. The electoral regime of New Caledonia has three different electoral rolls used for different political institutions: a general electoral roll (for French nationals who can vote for French and European institutions), a special electoral roll (for those voting for the three provincial assemblies and the local Congress of New Caledonia, known as the "restricted electorate") and a specific electoral roll (for those who can vote on accession to full sovereignty). Voters who did not satisfy the conditions laid down to participate in the 1998 referendum were placed on the supplementary roll. New Caledonians also vote in the French presidential elections and elect two members of the French Senate and two members of the French National Assembly.

16. In 1999, a disagreement arose on the interpretation of eligibility to vote in future elections for the Congress, the provincial assemblies and, ultimately, on accession to full sovereignty. Some interpreted the Nouméa Accord as establishing that any person domiciled in New Caledonia for 10 years could take part in the provincial elections (1999, 2004, 2009, 2014) regardless of the date of that person's arrival in the Territory (known as the "sliding" interpretation). FLNKS, however, considered such an interpretation to be contrary to the spirit of the Accord. It then referred the matter to the President and the Prime Minister of France, whereupon the Government of France introduced a draft constitutional bill stipulating that the right to vote should be exercised by persons already on the electoral roll on 8 November 1998 and who, as at that time, had been residents of New Caledonia for at least 10 years (known as the "frozen" interpretation). The bill was approved unanimously by the French National Assembly on 10 June and by the Senate on 12 October 1999. The constitutional amendments, however, were not ratified until 19 February 2007 (see A/AC.109/2000/4, para. 22). Meanwhile, in July 2002 the Human Rights Council judged that the restricted electorate was not contrary to the International Covenant on Civil and Political Rights and in January 2005 the European Court of Human Rights ruled that having to satisfy a residence or length-of-residence requirement in order to have or exercise the right to vote in elections was not, in principle, an arbitrary restriction on the right to vote.

17. The annual revision of the special electoral roll is carried out between March and April, by the special administrative commissions, as established by article 189 of the Organic Law and the French electoral code. The special administrative commissions are headed by a magistrate designated by the Chief Justice of the French Court of Cassation. There are as many such commissions as there are polling stations (263) in the 33 municipalities of New Caledonia. In addition to a magistrate, each commission has four more members: the administration's delegate, appointed by the High Commissioner; the mayor of the municipality or his/her representative; and two voters representing the two major political trends (pro-independence and anti-independence). Decisions are taken by a majority vote and the deciding vote is cast by the head of the commission in case of a tie.

Information on the Territory

18. For more detailed information on the Territory, see the Working Papers on New Caledonia prepared by the Secretariat (available from www.un.org/en/decolonization/workingpapers).

V. Key messages delivered by the mission

19. The Chair and the members of the mission explained the mandate of the Special Committee and the objectives of the mission, which included gaining first-hand insight and information on the situation in New Caledonia and exchanging with all interested parties, including the Government of France, their views on the preparations for the provincial elections scheduled for May 2014, particularly with regard to technical questions relating to the special electoral roll. The mission considered it important for the process to be credible and acceptable to all.

20. It was highlighted that New Caledonia was one of the 17 territories under the purview of the Special Committee. The mission was impartial and did not intend to

interfere in the provincial elections in New Caledonia, and was mindful of the timing of the visit. Any resolution of the issue would be the prerogative of the relevant parties, including the administering Power, but particularly the people of New Caledonia. The mission wanted to hear all voices and the perspectives of all stakeholders, including those who had initially declined to meet, thus allowing a deeper understanding of the process to emerge.

21. It was further stressed that it would be very useful if all stakeholders were to avail themselves of the opportunity for dialogue provided by the Committee, and that the visiting mission had the express approval of the administering Power, which had closely coordinated the visit, in consultation with the Special Committee and the United Nations. The absence of a more diverse representation from all stakeholders in New Caledonia was regretted.

22. The 1986 historic re-inscription of New Caledonia on the list of Non-Self-Governing Territories was also recalled, as it was noted that the mission's goal was to help the process of decolonization as defined in the Nouméa Accord. The importance of the upcoming provincial elections was a key factor in determining the mission's focus on electoral issues. The relevance of regional cooperation in the self-determination process of New Caledonia, through the Melanesian Spearhead Group and the Pacific Islands Forum, was also noted.

23. The Chair indicated that the Nouméa Accord had to be respected and all actors were encouraged to pursue constructive dialogue and compromise to promote peace and harmony. The mission would examine the situation and report back to the Special Committee.

VI. The electorate and the electoral system

A. Meetings with the High Commissioner

24. On 13 March 2014, the High Commissioner shared with the mission details of a meeting held in April 2013 among the institutional partners, the signatories to the Nouméa Accord and representatives of the main political parties, to discuss the conditions for the revision of the special electoral roll and the electoral roll for the consultation on accession to full sovereignty. The following decisions and conclusions had been reached:

(a) The November 1998 supplementary roll had never been drawn up; the one from February 1998, however, was available;

(b) The supplementary roll drawn up each year should be renamed "the list of ineligible voters" to avoid any confusion with the 1998 supplementary roll;

(c) The informational campaigns should be reinforced using two communication vectors: the High Commissioner's office and the municipalities;

(d) It was not possible to be flexible with regard to the collective inscription of potential voters, but two options were mentioned: individual requests and a revision of the Organic Law provided a consensus was reached;

(e) Despite the recent Court of Cassation's judgements, which further restricted the application of article 188 of the Organic Law, it was possible to put

forward a "*question prioritaire de constitutionnalité*" (priority preliminary ruling on the issue of constitutionality) and/or refer the matter to the European Court of Human Rights;

(f) With regard to the electoral roll for the consultation on accession to full sovereignty, it was decided to set up a working group tasked with preparing the decree provided for by the Organic Law and review the criteria set out in article 218 of that Law, as well as the modalities for drawing up the roll.

25. The High Commissioner informed the mission that the above-mentioned conclusions had been validated by the working group of presidents and signatories on 16 May 2013. On 16 July 2013, however, the committee of presidents and signatories held a meeting at which it did not discuss the issue of the special electoral roll but, rather, the electoral roll for the referendum. During consultations held in Paris in October 2013, Senator Pierre Frogier and FLNKS requested that the issue of the special electoral roll be included in the agenda of the Committee of Signatories, but the request was not granted.

26. At a technical committee meeting held on 12 October 2013, after the meeting of the Committee of Signatories, the issue of the special electoral roll was discussed upon the request of FLNKS, whose representative pointed out the necessity of totally and transparently revising the rolls, arguing that not doing so would negatively affect the 2014 election results.

27. As a follow-up to the conclusions formulated at the 26 April 2013 meeting in Nouméa, the following actions were taken:

(a) A communication campaign was implemented by the office of the High Commissioner in order to encourage voters to register during the registration period;

(b) The general electoral roll of February 1998 was made available to all political parties that requested it;

(c) A twofold increase in the number of magistrates presiding over the work of the special administrative commissions was requested;

(d) A working group on the question of the electoral roll for the consultation on accession to full sovereignty was established and had to date met three times.

B. Meeting with the territorial Government

28. According to the President of the territorial Government, in 1988 the question of independence was postponed to 1998 and the idea of a restricted electoral roll emerged. It was confirmed that everyone wanted the 1988 and 1998 restrictions on voting. The issue had become highly divisive by 1998, which is why it was agreed to sign the Nouméa Accord instead and to postpone the referendum by 20 years.

29. Not all voters understood everything about the electoral system, which was indeed quite complex. Senator Frogier had recently submitted a constitutional bill proposing that anyone born in New Caledonia or whose parents were born there, and their descendants, including disenfranchised Kanaks, could vote in any election. Passage of the bill, which implied, however, a change in the French Constitution, had not been possible because of time constraints.

30. Furthermore, both the President of the Government and Mr. Frogier had proposed in February 2014 that an urgent meeting of the Committee of Signatories be held to address the issue of the special electoral roll, but had been informed that there was no time because of the forthcoming elections.

31. A member of the Government remarked that the FLNKS démarche aimed at deleting 6,700 persons from the electoral rolls was disquieting, as it was based on an ethnic argument, and that there never should have been the possibility of a second "freeze" of the rolls.

32. Another interlocutor recalled that in the past the Kanaks had been a majority but then, in 1972, the immigration policy of former Prime Minister of France Pierre Messmer was implemented, with the intention, according to the speaker, of submerging the Kanak people demographically and thus depriving them of access to independence. The Territory returned to being a settlement colony.

C. Meeting with the Customary Senate

33. On the issue of the electoral roll, the President of the Customary Senate questioned the sincerity of the administering Power in view of the radicalization of the debate between those in favour of and those against independence on the restricted electorate and on the electorate for the consultation on access to full sovereignty.

34. The "frozen" electoral roll, which was the cornerstone of the decolonization process and the responsibility of France, could only be implemented starting in 2007. As a consequence, thousands of French nationals became inscribed despite not being interested in the future of New Caledonia. The Special Committee was called upon to urge the administering Power to faithfully implement the Nouméa Accord and all stakeholders to exercise patience and engage in dialogue with a view to peacefully resolving differences.

35. The Customary Senate was concerned about the situation of the Kanak people from a cultural, economic and social point of view, as well as about the non-implementation of the recommendations contained in the report submitted by the Special Rapporteur on the rights of indigenous people to the Human Rights Council in September 2011 (A/HRC/18/35/Add.6).

36. In view of the increasing difficulties faced by the Kanaks in New Caledonia, the Customary Senate asked the visiting mission to probe France and its political partners in the Nouméa Accord on the sincerity and good faith of its engagement to end the Nouméa process. The status quo, a return to the past or a solution resulting in the partition of the *chefferies*, which were crucial to the identity of the Kanak indigenous people of the South Pacific, were not seen as possibilities.

37. Noting that none of the recommendations contained in the 2011 report by the Special Rapporteur on the rights of indigenous peoples had been implemented, and in response to the current political and institutional situation, the Customary Senate decided to prepare a document, in the form of a charter, on the values and fundamental principles of the Kanak civilization; the document was issued in April. The charter — in which all the Kanak *chefferies* had been called to participate — proclaims the inalienable rights of the Kanak people to self-determination and the exercise of sovereignty in managing the internal affairs of Kanaky (New Caledonia).

D. Meeting with the President of the Congress

38. According to the President of the Congress, the ongoing work of the special administrative commissions had demonstrated that their functioning was highly political rather than based on the strict application of the law. Frequently, any magistrate or FLNKS delegate who called for the application of the legal criteria would be in a minority situation vis-à-vis the other three members of a commission, who followed political instructions issued by France, both at the national and local levels. Requests to strike from the list the names of voters who did not fulfil the legal criteria were systematically denied, while new voters would be registered without any evidence. FLNKS delegates would be asked to provide "impossible proof" because information on those entering the Territory had been destroyed by the air and border police and access to the records of the Institute of Statistics and Economic Studies had not been granted.

39. He further stated that FLNKS intended to lodge appeals before the tribunal of first instance in New Caledonia and the French Court of Cassation. Furthermore, current anomalies foreshadowed problems that would arise in drawing up the electoral roll for the consultation on access to full sovereignty.

E. Meeting with Senator Pierre Frogier

40. According to Senator Frogier, the issue of the restricted electorate was currently being used by some to hijack the electoral campaign. His initial resistance to the Special Committee's visit was not based on principle but on the fact that it had been requested by only one of the three parties to the Nouméa Accord and that its timing was inappropriate. Senator Frogier warned about the possibility that the two camps (pro-independence and anti-independence) could manipulate the visit for their own interests.

41. The different interpretations of the electoral provisions could be explained because the 2007 constitutional amendment had been poorly drafted. In addition, it modified what had been agreed in 1998, in particular the understanding that a "sliding" interpretation should be applied in respect of the restricted electoral roll. France had not foreseen this situation. In Senator Frogier's view, the interpretation of the courts was different from the political will of the signatories to the Nouméa Accord. In a letter to the Prime Minister of France dated 19 February 2014, he maintained that the solution to the problem was not legal, but political. To that end, it would be necessary for the signatories to the Nouméa Accord to get together to address the problem. Consensus was the basis to finding a common solution that would preserve the peace.

42. With reference to the electoral roll for the referendum, Senator Frogier maintained that there was no misunderstanding. The anti-independence camp had the majority. Furthermore, a third accord should be put to the vote in a referendum.

F. Meeting with member of the French National Assembly Sonia Lagarde

43. Regarding the problems surrounding the review of the special electoral roll, member of the French National Assembly Sonia Lagarde informed the mission that she had asked the Prime Minister of France about the interpretation of article 188 of the Organic Law. She considered the response to have been satisfactory inasmuch as the Prime Minister clarified that the condition of residence in the Territory could be verified by consulting the general electoral roll of 1998 or any other evidence. In addition, she noted that if some 1,900 Kanaks had been placed on the supplementary roll that was because they had not followed the relevant procedures.

44. With regard to the transfer of powers, Ms. Lagarde was of the view that the transfer of the remaining powers under article 27 of the Organic Law (concerning rules on the administration of provinces and communes; administrative oversight of local authorities and their public institutions; broadcasting; and higher education), which in her opinion was optional, would be the subject of discussions by the Congress that would emerge from the May provincial elections. In relation to the five sovereign powers to be transferred to New Caledonia, she believed that there was a need for further negotiations and a new legal solution and that the final decision had to be taken by the people.

G. Meetings with the provincial assemblies

45. The assembly of South Province informed the mission that at an extraordinary session held on 27 February, which pro-independence members had refused to attend, a solemn proclamation had been made in response to the FLNKS decision to demand that the names of 6,720 voters be stricken from the special electoral roll. It was pointed out that a political problem demanded a political solution and an extraordinary meeting of the Committee of Signatories was thus required. Some believed that the provincial elections should be postponed until a consensus was reached. The initial opposition to the visiting mission was explained by its timing and because it had been requested by only one party to the Nouméa Accord.

46. A speaker asserted that current problems surrounding the provincial elections were linked to the poor drafting of the Nouméa Accord, in particular the provisions on the electoral roll. The wording of the Accord was obscure and tricky and thus incomprehensible to the population. While none of the parties could convince the other, it was essential to preserve all the achievements gained since 1988 as a result of the Matignon Agreement and the Nouméa Accord. It was also highlighted that there were unifying aspects, such as religion, that could play a useful role.

47. The President of the Loyalty Islands Province expressed the view that the mission was of paramount importance for providing clearer understanding on the question of New Caledonia, which he considered an occupied territory, and for the evolution of the Nouméa Accord. With regard to the issue of the special electoral roll, he recalled that the problem had been raised during the previous five years before the Committee of Signatories and stated that everything had been done to make the Kanak people a minority. The core concern was the different interpretations of the French law, including specifically with regard to the Nouméa Accord and the referendum. The provincial assembly, whose motto was "Nothing

but the Nouméa Accord", urged the administering Power to expedite the transfer of powers, which was behind schedule, to the Territory. In his view, a third agreement was not possible.

H. Meetings with municipal authorities and officials

48. The mission also held meetings with municipal authorities and officials in five municipalities (Nouméa, Mont-Dore, Paita, Kone and Lifou) in order to gain first-hand information on the process of updating the special electoral roll. The discussions focused on the work of the special administrative commissions, the interpretation of the electoral provisions with regard to the restricted electoral roll and procedural aspects.

49. In the municipality of Mont-Dore, the mission was provided with a file containing information on the work and procedures followed by the special administrative commissions, as well as copies of blank templates for official reports and voter notification forms. The mission was informed that, as at 3 March 2014, 1,542 cases had been reviewed and 206 rejections had been reported. Every case was examined, which meant that the French Prime Minister's response to the National Assembly clarifying the means to verify the residency condition had been taken into account.

50. The mission was also informed that each voter had to request to be registered in the special electoral roll. Should a voter disagree with the decision made, he or she could lodge an appeal that could eventually reach the Court of Cassation or even the European Court of Human Rights. With regard to difficulties in notifying voters, it was pointed out that in Mont-Dore that was not an issue since the municipality had very few slums or isolated tribes. The neighbourhood councils, the town hall bulletin and the mayor's letter were means of communicating with voters. Prisoners too were individually responsible for submitting a request to be re-registered in the electoral roll.

51. In the municipality of Nouméa, the mission was informed that 42,234 voters had registered to be included in the special electoral roll and 13,276 in the supplementary roll, for a total of 55,510 voters. With reference to the interpretation of the relevant provisions applicable to the special electoral roll, the mayor referred to the 2013 ruling by the Court of Cassation, which in his view made it clear that the only requirement was to justify or prove 10 years of residence.

52. In the municipality of Kone, in North Province, it was brought to the attention of the mission that 3,779 voters had registered in the general electoral roll and that 30 were considered to be in the special electoral roll illegally. It was pointed out that the special electoral roll "should actually be special and the challenge was to get it right".

53. In the municipality of Paita, the mission was informed about the operating procedures of the special administrative commissions. The main role of the municipality was to prepare dossiers for subsequent review by the commissions and to notify voters using a standardized model. A total of 10,788 voters were registered in the general electoral roll and 8,472 in the special electoral roll. With regard to the submissions reviewed by the commissions, for a total of 14 polling stations, 5 rejections were reported. The grounds of the rejections included the following:

(a) absence of papers documenting residency; (b) parent not registered in the special electoral roll; (c) total absence of supporting documents; (d) voter not registered in the 1998 list; and (e) unknown residence. The mission was also informed that voters could request a copy of the electoral roll at a cost of XPF 10,000.

I. Meetings with political groups

54. According to a representative of the political group Calédonie ensemble, the Nouméa Accord, approved by 72 per cent of voters, was the only legal framework to which the group was committed. That said, it was true that the wording of the Accord with regard to the restricted electorate was ambiguous.

55. It was pointed out that the restricted electorate constituted a major concession made by the anti-independence camp. Voters who participated in the 1998 referendum had approved in good faith an accord to which they applied a "sliding" interpretation in respect of the restricted electorate. On 26 February 2014, the Prime Minister of France stated before the National Assembly that it was not necessary to be in the 1998 general electoral roll in order to be registered in the special electoral roll.

56. In some cases, according to their own interpretation of the 2007 constitutional reform, the special administrative commissions accepted to register people who were present in the Territory before 8 November 1998 but were not registered in the 1998 list. In other cases, the commissions denied registration based on the 2013 Court of Cassation's interpretation. About 30 per cent of people allegedly illegally registered in the special electoral roll were actually registered in the 1998 list. FLNKS could lodge appeals before the courts but, for its part, Calédonie ensemble would support all affected voters. If Kanaks were not registered in the special electoral roll, it was because they had not made the necessary request. In 2012, Calédonie ensemble had also identified about 5,000 Caledonians who were not in the special electoral roll.

57. Calédonie ensemble also expressed the view that it would be risky to present to voters a question in a self-determination referendum that could be answered only with a yes or a no and that it was necessary to develop a common project with the support of all political stakeholders.

58. According to members of the political group Union pour la Calédonie dans la France, New Caledonia provided a unique example by exiting from a civil war through a political agreement. With reference to the referendum, it was pointed out the question could not be limited to a yes-or-no answer: it was necessary to find an agreement on the question to put to the vote, in order to avoid a winner/loser situation that could lead to undesirable outcomes. It was suggested that the Committee of Signatories clarify the electoral roll issue and negotiate a new agreement that would replace the referendum espoused by the Nouméa Accord. A new agreement could then be submitted to a referendum.

59. With reference to the holding of a referendum in 2018, several interlocutors in the camp loyal to France believed that the outcome of such a referendum was already known, namely that 60 per cent of voters would be in the anti-independence camp and 40 per cent would be in the pro-independence camp. It was argued that there could not be independence for New Caledonia, rather "something which would

have to look like it". In other words, the Territory "could not be with France, but it could not be independent either". A possible solution could be to allow individuals to hold a French passport and French nationality while also having New Caledonian citizenship.

60. On 10 March 2014, the mission met with representatives of several pro-independence political parties and actors, including the Union calédonienne, the Parti travailliste, the Political and Citizenship Commission of FLNKS and the Parti travailliste and the Truth and Justice Committee.

61. According to the Union calédonienne, the process of decolonization of New Caledonia was stuck and the Nouméa Accord blocked. The electoral roll for the referendum was seen as problematic and there was no clarity about the question to be put to the vote. The political group Union nationale pour l'indépendance, for its part, considered that it was imperative for all the Nouméa Accord provisions to be implemented, particularly those related to the transfer of powers, development projects and fiscal reform. In the view of other speakers, utmost vigilance should be exercised in the final phase of the decolonization process, in the organization of the consultations and in the raising of public awareness and mobilization.

62. The Political and Citizenship Commission stated that its goal was to bring the special electoral roll fully in conformity with the political agreement of Nainville-les-Roches (1983), the Matignon Agreement (1988) and the Nouméa Accord (1998). The objective was to enable all Kanaks and all settlers who satisfied the necessary conditions set by the law to vote for their country.

63. The Political and Citizenship Commission noted that after repeated demands to be granted access to the 1998 electoral roll, its inclusion had been confirmed in April 2013. The Commission had also been informed, however, that the supplementary roll of 1998 did not exist. Thus, the 1998 general electoral roll was made available to the special administrative commissions for the first time in 2014. It was also pointed out that there might be more than one version of such a roll. A thorough verification, on a case-by-case basis, was necessary. The Commission had done everything necessary to enable all FLNKS delegates to present for all 263 polling stations, the list of voters who should be verified and the list of Kanak who should be inscribed.

64. Furthermore, it was pointed out that the High Commissioner, in a 2014 circular addressed to all the municipalities with instructions on the process of updating the special electoral roll, had noted that it was possible in the review process to strike voters who did not meet the criteria from the list. The review requests put forward by members of the FLNKS sitting in the special administrative commissions had systematically been rejected by the other members who were following instructions by their respective leadership.

65. Other problems mentioned included getting mail to difficult sites (slums, tribes or places without proper nomenclature), as well as the loss of files. Some voters included in the special electoral roll had never filed an application to be registered, while others were found to be simultaneously on both the special and the supplementary electoral roll. As evidence of irregular inscriptions, the mission received a written and signed testimony of a voter who was on the special electoral roll without having submitted a request.

66. According to another speaker, electoral information efforts had begun after the FLNKS pointed out difficulties relating to Kanak registration on the special electoral roll, two or three years previously. FLNKS, for its part, had funded an independent radio programme to inform people about the right to vote and had received 2,200 calls in two months. Genuine and serious concerns related to notifying voters by mail included:

(a) Mail not reaching people living in slums or squatter settlements;

(b) Problems for people living in tribal areas without street names;

(c) Irregular mail service;

(d) Young Kanaks living in tribes who were not easily reachable;

(e) Municipalities did not systematically inform people that there were two rolls (general and special) requiring two separate, individual démarches;

(f) Young people in Mont-Dore, Paita and Doumbea were asked to prove they had 10 years of residence even though they were born after 31 October 1981; they should simply have been required to show that their own parents were on the special electoral roll.

67. It was noted that irregularities with regard to the electoral rolls were also the result of discrimination. The example of 1,900 Kanaks appearing on the supplementary roll was one of the most glaring examples. The visiting mission was informed that such a policy, which was being pursued with determination by France, was perceived as part of a continuous policy of destruction of the Territory and of discrimination vis-à-vis the indigenous population that included the distribution of drugs (tobacco and alcohol, among others), the elimination of Kanak clan names, an education system that was not adapted to Kanak culture, an increase in pollution in the environment, which threatens the Kanak mode of life, and turning Kanaks into a minority in their own country. It was pointed out that, in the framework of working for a future nation and of evaluating the acts of the Government of France, the possibility of revising the Kanak position on granting the victims of history the right to vote in the self-determination referendum might be raised.

68. Another speaker stated that the five-member special administrative commissions functioned in a way that was political and not legal, which explained their total malfunction. The fact that the commissions were presided over by a magistrate was not a sufficient guarantee. The majority rule system meant that, in South Province, the destination of most immigrants, the members of the special administrative commissions voted almost systematically in a pattern of three to two, with the representatives of the State and the anti-independence camp often on one side and the magistrate and the FLNKS representative on the other.

69. It was alleged that the dysfunction of the special administrative commissions explained, for example, why non-citizens were still being included in the special electoral roll despite not having been registered in the 1998 list and despite satisfying only the condition of 10 years of continuous residence after 1998. In the case of children born in the Territory, the majority rule system made it impossible to verify the existence of a parent with New Caledonian citizenship. In addition, the special administrative commissions continued to list Kanak voters in the supplementary roll. In 2014, all requests to register Kanak voters in the special

electoral roll were denied, in spite of appeals lodged pursuant to article L.5 of the electoral code.

70. In addition, the special administrative commissions had refused to respond to all requests to review the reported cases of illegally registered voters in the special electoral roll on the basis that sufficient proof had not been provided. The question of evidence was particularly difficult because, as mentioned, arrival records kept by the air and border police prior to 1999 had been destroyed and because municipalities destroyed voter registration records every year as soon as the deadlines for filing appeals had expired. Moreover, since the magistrates were seen as assuming mostly a passive attitude, the burden of proof rested entirely with the petitioner. Such *probatio diabolica* made of the whole procedure a farce.

71. In the pro-independence camp, an interlocutor noted that, in principle, the Kanaks, as indigenous people, were the ones to have been colonized by the French, who took possession of the *chefferies* on 24 September 1853. In this context, the terms of General Assembly resolution 1514 (XV) of 1960 applied to New Caledonia exclusively as they concerned the situation of the Kanak people.

72. Several pro-independence speakers pointed out that it would be unreasonable to think that the list of voters for the referendum could be established according to the present system. The magistrate presiding over a special administrative commission should have the authority to decide, with the other members having only an advisory role. To improve the functioning of the commissions, some suggestions were offered, including with regard to the number of members, the role to be played by members other than the magistrate, the obligation of the commissions to investigate and obtain evidence, the duration of the appeals process and the annual review period, which should not be so close to the election date.

J. Meetings with the French magistrates

73. Despite having requested to do so, the mission was unable to attend and observe the work of the special administrative commissions. However, it benefited from two informative discussions with four magistrates, including the group's coordinator. The discussions focused on each magistrate's role as president of a special administrative commission, the interpretation of the relevant provisions with regard to the restricted electoral roll and the availability of the necessary means and tools to carry out the revision of the special electoral roll. With reference to the role of the magistrates, the mission was informed that a special administrative commission's decisions were taken by a majority vote and the presiding magistrate had the deciding vote only in situations of a tie. Members of the commission did not have the same interpretation with regard to the condition of being registered in the 1998 electoral roll. When conflicting interpretations of the law arose among commission members, the magistrate heading each commission had to abide by the final decision taken by a majority vote of the delegates. Consequently, a strictly legal position or interpretation of the law could not be upheld because decisions were subject to majority rule.

74. The mission was informed that the 1998 general electoral roll, which was considered essential for examining any case referred to the special administrative commissions, had not been made available until 2014. Thus, before 2014, it had been impossible to verify the 1998 roll for all the communes of New Caledonia. The

mission was also informed by the French authorities, both in Nouméa and in Paris, that the 1998 supplementary roll referred to by article 188 (b) of the Organic Law and the 2007 constitutional amendment, which included those persons not eligible to vote, did not exist. It is unclear why the 1998 electoral roll had not been made available to the special administrative commissions in previous years, and it is not clear how that unavailability affected the work of the commissions. The mission was also informed about the legal mechanisms in place to challenge any registration in the electoral roll or the supplementary roll considered as illegal or not in conformity with the criteria set by the relevant legal provisions. The mission was unable to meet with the judiciary authorities (tribunal of first instance of Nouméa).

K. Meeting with the Association of Mayors of New Caledonia

75. The Association of Mayors of New Caledonia believed that the Nouméa Accord had to be respected and fully implemented, especially with regard to the transfer of powers to local authorities, to ensure that New Caledonians were duly trained with the necessary skills to avoid any disruption during the transfer of powers. On the question of FLNKS claims about the anomalies in the special electoral roll, it was stated that the anomalies were not based on discrimination as had been hinted. It was not normal that 1,900 Kanaks were registered in the supplementary roll. The mission was informed that occasionally the CD containing the 1998 electoral roll that was distributed to facilitate the work of the special administrative commissions could not be accessed because of technical problems.

VII. Economic and social development

76. The visiting mission met with a number of interlocutors who briefed it about the economic and social situation. The High Commissioner referred to the work accomplished in "rebalancing" the provinces and transferring powers in accordance with the Nouméa Accord, the efforts to find a balance between customary land and property rights subject to rules of ordinary law. He regretted the insufficient importance given to the Customary Senate and also acknowledged the efforts by the administering Power in providing necessary information under Article 73 *e* of the Charter of the United Nations.

77. The President of the Economic, Social and Environmental Council noted that almost all decisions were adopted by consensus, to address economic and social gaps. Some projects in the tourism, fishing and aquaculture sectors, as well as the Guarantee Fund, were designed to address the inherent difficulties related to the special status of customary land. He underlined the importance for New Caledonia of becoming integrated into the Pacific region.

78. In North Province, the mission held discussions about the processes of decolonization and rebalancing. About 75 per cent of the population of the province (33,750) was Kanak and 17 indigenous languages were spoken. The province was organized in four customary areas and was home to a total of 199 tribes. Efforts to rebalance the province were based on two pillars: the development strategy for mining nickel and public policy. The mission was informed that 89 per cent of management positions in North Province were occupied by New Caledonian citizens. The Mayor of Kone noted that the "Cadres for the future" programme of

the Government of France should be improved, as it had not resulted in the training of any Kanaks to become managers, doctors, lawyers or pilots, for example.

79. The mission was also informed about the economic strategy of Loyalty Islands Province, with emphasis on local development and economic policy related to fishing, tourism, transport, mining, capacity-building (including vocational and managerial training), as well as development contracts. On the political perspectives after the Nouméa Accord, the president of Loyalty Islands Province stressed that economic, political and cultural emancipation involved a number of steps, including: recognizing the traditional land tenure system that defines ownership of natural resources (nickel, marine resources); obtaining New Caledonian ownership over Société Le Nickel, which is currently owned by the French State; encouraging an evolution of the relationship between France and New Caledonia in terms of economic partnership; recognizing the Kanak identity and people, including their diversity; and managing the exclusive economic zone (fisheries and mineral resources). With regard to the transfer of sovereign powers, a partnership relationship had to be developed. Integrating New Caledonia into the Asia-Pacific economic area, strengthening partnerships with Melanesian countries and enhancing ties with other Pacific island countries were priorities as well.

A. Visit to the Koniambo nickel complex

80. The mission visited Koniambo Nickel SAS, a joint venture in North Province between a South Korean company and the provincial government, which is the majority shareholder. The nickel mine, which is the largest in New Caledonia, is perceived as a long-term economic pillar for the development of North Province and the Territory. More detailed information will be provided by the administering Power and reflected in the Secretariat working paper on New Caledonia.

B. Visit to the University of New Caledonia

81. On 11 March 2014, the mission visited the University of New Caledonia, where, inter alia, it heard presentations from the faculty and a number of students. The mission benefited from a presentation on the "Cadres for the future" programme, which is directed at students in secondary and higher education and vocational training and which is aimed at promoting a societal realignment or "rebalancing", intended to equip Kanaks with the expertise required to take on responsibilities in all sectors of society. More detailed information will be provided by the administering Power and reflected in the Secretariat working paper on New Caledonia.

C. Adapted military service

82. In North Province, the mission visited a special programme called "adapted military service", sponsored by the Ministry for Overseas Territories of France, aimed at assisting young people experiencing difficulties integrating into the community, including former military cadets, and to provide them with basic skills to join the labour market. As many as 110 trainees were currently enrolled. More

detailed information will be provided by the administering Power and reflected in the Secretariat working paper on New Caledonia.

D. Meeting with the Human Rights League

83. On 13 March, the President of the Human Rights League described the work of the League, which focused on four areas, namely, prisoners, racism, citizenship and transcultural issues. In his view, Kanak culture was going through a difficult transition because of the clash with European values and economic inequality. Kanak youth had not received the required support and Kanak society should do more to value women and children. Kanaks were still facing covert and overt racism, including in Nouméa, where the League had organized an operation to prove the existence of racism and discrimination at entertainment places such as nightclubs. Racism still appeared in different forms, including in the housing rental market. Despite efforts made in the framework of the "Cadres for the future" programme, there were clearly not enough cadres and teachers trained in the Territory. It was noted that the treatment of prisoners by the authorities still remained a concern but had improved progressively.

VIII. Other issues

84. Many individuals from all sides of the political spectrum shared with the mission their fears and concerns about the fragility of the situation, which were compounded by an increase in gun ownership in the Territory, especially since 2011. According to press reports, such arms included not only hunting guns but also latest-generation assault weapons. The High Commissioner briefed the mission on his efforts to curb gun ownership in the Territory. A decree introducing further restrictions was being drawn up.

85. According to the Truth and Justice Committee, the descendants of several people assassinated during the "events" of the 1980s demanded to know the truth about their fathers, grandfathers, uncles etc. They believed that the quest for truth should not be the exclusive monopoly of the pro-independence camp but be extended to all. It was recalled that the so-called "events" had been sparked by a problem linked to the right to vote in the referendum on self-determination. The issue was considered topical in view of the ongoing conflict on the right to vote, which had clearly re-emerged between the pro-independence and the anti-independence camps.

86. The Chair of the Melanesian Spearhead Group believed that the Special Committee's visit to New Caledonia, conducted within the framework of the Nouméa Accord, was a historic one. Even though FLNKS was not a country, it had been able to join the Group and to benefit from its support. The place occupied by FLNKS on the Group's membership would eventually be taken by New Caledonia once self-determination was achieved. The Group wished to accompany process of self-determination of New Caledonia with the support of its member States.

IX. Meetings in France

87. The visiting mission met members of the Ministry for Foreign Affairs on 17 March 2014, as well as members of the Ministry for Overseas Territories. The Chair expressed the mission's appreciation to the representatives of the administering Power for having facilitated its work and presented a brief summary of its activities in New Caledonia.

88. The mission encouraged the administering Power to report under Article 73 *e* of the Charter of the United Nations the positive activities being undertaken in New Caledonia. It would be helpful for the international community to know about those positive programmes. The mission was unable to get a reply about how many Kanak lawyers and doctors there were in New Caledonia.

89. The Deputy Director of the United Nations Division at the Ministry for Foreign Affairs said that the fact-finding visit had covered many important aspects and involved a wide range of interlocutors. She underscored the constructive way in which the mission had conducted its work. In addition, she made the following points: (a) the "Cadres for the future" programme was targeting both the public and the private sectors; (b) the French authorities were working on restrictions to the arms market; (c) French law did not allow statistics to be collected on the basis of ethnicity, as such a practice was deemed to be racially discriminatory, but the provisions of the Nouméa Accord framework made that possible; (d) the appeal process to challenge irregular registrations in the electoral rolls was not expensive since there was no need to come to Paris in order to lodge an appeal; (e) with regard to the consultation to be organized in the final phase of the Nouméa Accord, any decision had to come from New Caledonia; (f) the Government of France intended to improve the information submitted to the United Nations pursuant to Article 73 *e* of the Charter; and (g) the composition of the special administrative commissions was balanced since both the anti-independence and pro-independence camps were represented and the presence of French magistrates was a guarantee, even though the commissions were administrative in nature.

90. In response to a question put forward by the mission about the different interpretations of the electoral provisions in relation to the restricted electorate for the provincial elections, it was noted that difficulties stemmed from discrepancies in the understanding of the Nouméa Accord and that the 2014 meetings of the Committee of Signatories might provide an opportunity to address that issue.

91. Another concern raised was the persistent discrepancies that existed between the "frozen" and "sliding" interpretations of the restricted electorate, in spite of the 2007 constitutional amendment adopting the "frozen" interpretation. In that regard, in a written response, the French authorities pointed out that, in conformity with commitments of France in its capacity as signatory to and partner in the Nouméa Accord, the 23 February 2007 constitutional reform amending article 77 aimed at ensuring the "freeze" of the restricted electorate to Caledonian citizens only: voters not admitted to participate in the provincial elections were those listed in the supplementary roll established for the consultation of 8 November 1998 approving the Nouméa Accord.

92. The French authorities further noted that voters in the provincial elections were thus exclusively those adults who took up residence in New Caledonia on 8 November 1998 at the latest, after satisfying the condition of 10 years of

residence, and their descendants of voting age. The "freezing" of the restricted electorate was thus perfectly ensured during each annual review of the special electoral roll and the issue was no longer the subject of controversy. The supplementary roll referred to in article 77 of the Constitution, however, had never been established. This raised the issue of verification of the fundamental condition of installation in New Caledonia in 1998 at the latest, which could be carried out either by consulting the 1998 general electoral roll or by any other evidence establishing such installation.

93. In addition, it was noted that, within the special administrative commissions, which update the special electoral roll based on decisions made following the majority rule, taking into account their composition, another interpretation had been expressed, according to which the reference to the November 1998 supplementary roll, which had never been established, should be systematically and solely replaced by the reference to the February 1998 general electoral roll. That assumption took into account the fact that a citizen must be registered in the general electoral roll in order to be included in the supplementary roll.

94. In any event, the revision of the special electoral roll for the provincial election had been held under the strict supervision of the Court of Cassation, the highest court in France. Under the Constitution of France of 1958, the judicial authority, which is independent of the legislative and executive powers, was the guarantor of civil liberties.

95. The mission inquired why the 1998 roll had not been made available before 2014 and was informed that the supplementary roll from February 1998 had been "found" only in 2013 and that the one from October 1998 did not exist.

96. Another issue of concern noted by the mission was the difficulty of receiving educational training outside the French system. For instance, English-based training qualifications were not recognized in New Caledonia for the purpose of employment in the public and private sectors. In response, it was pointed out that the question of education and training would be raised by the Committee of Signatories. The Government of New Caledonia had been asked to provide the information required to explore the issue with English-speaking neighbouring countries.

X. Conclusions and recommendations

Conclusions

97. Numerous interventions by stakeholders reflected contradictory interpretations of the electoral provisions under the Nouméa Accord with regard to the restricted electorate for the provincial elections, particularly in relation to article 188 of the Organic Law. The mission noted a lack of a unified interpretation of relevant provisions setting out the conditions for inclusion in the special electoral roll, including the 2007 constitutional amendment, which endorsed the "frozen" interpretation of the restricted electorate.

98. With regard to the work of the special administrative commissions, the mission took note of the concerns expressed by some interlocutors regarding the insufficient time allotted for carrying out a detailed and thorough review of the special electoral roll, particularly in the larger urban areas.

99. The mission further observed that the 1998 electoral roll had not been made available to the special administrative commissions until 2014. It was not clear how that unavailability had affected the work of the commissions.

100. In the light of the complexity of the definition of the restricted electoral roll and its implementation, the mission was informed by several interlocutors that relevant specialized training of members of the special administrative commissions had not been conducted. Information and awareness-raising campaigns targeting voters with respect to the right to vote were deemed insufficient and in some cases considered misleading.

101. Since all voters had to be notified, at their residence, of each decision of the relevant special administrative commission in writing, the mission took note of concerns regarding the ability to reach voters in difficult and isolated places. Another concern was the use of different software by various municipalities to manage the electoral roll.

102. The mission was unable to secure information about efforts to enhance inclusiveness and voter registration with regard to prisoners, the majority of whom were reportedly young Kanaks.

103. During the visit, several interlocutors evoked the fragility of the current sociopolitical situation in the Territory, including in the wider context of the evolution of the political organization in New Caledonia, particularly as it concerned the referendum envisaged in the Nouméa Accord, the transfer of powers and rebalancing.

104. Several speakers of all political inclinations raised the need to address the post-Nouméa Accord period. Some speakers advocated the implementation of the consultations provided for in the Accord, to be held between 2014 and 2018, while others believed that such referendums would necessarily be inconclusive and would lead to a risky political situation.

105. According to some stakeholders, it would be opportune to call for a meeting, as soon as possible, of the Committee of Signatories, in order to discuss the most urgent issues. According to others, including the Customary Senate, in view of the increasing difficulties faced by the Kanak population, a completion of the process of the Nouméa Accord could not result in a maintenance of the status quo, a rollback in the situation or a partitioning of the territory of the chiefdoms, which formed the foundation of the identity of the Kanak people.

106. The mission noted the ongoing efforts led by the High Commissioner to better prepare for the final phase of the implementation of the Nouméa Accord, in particular the drawing up of the specific electoral roll to be used in the referendum on accession to full sovereignty.

107. The mission welcomed the ongoing efforts made by the Government of France to rebalance the economic disparities of the Kanak population, for example through adapted military service and the "Cadres for the future" programme.

108. The mission took note of ongoing efforts led by the High Commissioner to curb the widespread and excessive accumulation of firearms and ammunition and to urgently address the issue in legal and practical terms.

109. The mission noted that certain segments of the population of New Caledonia had called for a process aimed at addressing past unresolved events that continue to affect current political developments.

Recommendations

110. The mission shares the views of all those who consider the current situation in New Caledonia to be extremely fragile and stresses the importance of a constructive dialogue among all actors to find common ground, preserve peace and promote a "common destiny".

111. The mission also stresses the importance for all concerned to guarantee the full implementation of the Nouméa Accord by urgently undertaking genuine efforts to address current shortcomings in its implementation, particularly concerning the restricted electorate provisions.

112. The mission is of the view that the modus operandi of the special administrative commissions should be reviewed because of the problems raised by many interlocutors, including the magistrates themselves.

113. While acknowledging the support that the Government of France has provided to the university and the positive results in terms of the trainees' insertion rate, the mission stresses the urgent need to enhance the training of high-level executives for the public and private sectors, particularly in view of the ongoing transfer of powers from the Government to New Caledonia.

114. Noting that, in the context of the transfer of powers, advancement in education and training at the highest level is of utmost importance, the mission urges the administering Power to develop clear and reliable capacity-building programmes to enable New Caledonians to determine their future.

115. The mission calls upon the administering Power to take all measures necessary to address the concerns expressed with regard to the question of the promotion of the systematic influx of foreign immigrants into the Territory.

116. The mission encourages the administering Power to report under Article 73 *e* of the Charter of the United Nations the positive activities being undertaken in New Caledonia, as that would provide the international community with a deeper understanding of all elements of the self-determination process of New Caledonia, in accordance with the Nouméa Accord.

117. The mission takes note of the continued support and cooperation of the Government of France in the work of the Special Committee, as well as the satisfactory support and assistance it provided to the mission to New Caledonia, and will further reaffirm the call made by the General Assembly for the Government to continue to cooperate fully in the work of the Special Committee and to participate formally in its future sessions.

118. In view of the many calls for a greater integration of New Caledonia in the regional context, the mission believes that concrete measures to facilitate the recognition of education degrees between New Caledonia and other countries should be taken without further delay.

119. The mission considers that the integration of New Caledonia into the Asia-Pacific region and the strengthening of the partnership with Pacific countries are both urgent and beneficial.

120. The mission further encourages all parties in New Caledonia to avail themselves of the opportunities for exchange and dialogue provided by the Special Committee throughout the year, particularly as the Nouméa Accord enters its final phase. This will also enhance the Special Committee's understanding of the developments occurring in the Territory.

121. The mission considers that for the future of New Caledonia it is essential that the recommendations contained in the 2011 report of the Special Rapporteur on the rights of indigenous peoples, in particular those concerning Kanak participation in the political arena and governance (see A/HRC/18/35/Add.6, paras. 72-76) and those relating to social and economic disparities (ibid., paras. 84-88), be urgently implemented.

122. The mission recommends that the Special Committee continue to closely monitor the situation in New Caledonia in the context of the implementation and eventual expiration of the Nouméa Accord in 2019 and advise the General Assembly as appropriate.